

#9

Annex B

(nc)

**AFTER FINAL PROCEDURE - PLEASE EXPEDITE HANDLING****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Group Art Unit: 1638
	)	
Hakuo IKEGAMI et al	)	Examiner: G. HELMER
	)	
Appln. No.: 09/893,005	)	
	)	
Confirmation No. 6398	)	Washington, D.C.
	)	
Date Filed: June 28, 2001	)	December 24, 2002
	)	
For: TRANSGENIC PLANTS	)	ATTY.'S DOCKET: IKEGAMI=2
	)	
	)	

**AMENDMENT AFTER FINAL REJECTION**

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action of October 22,  
2002, please amend as follows:

**IN THE CLAIMS**

Please replace claims 11-16, 18, 20, and 21 with new amended claims 11-16, 18, 20, and 21 as follows below. A marked up version of the amended claims to show the changes made is attached hereto.

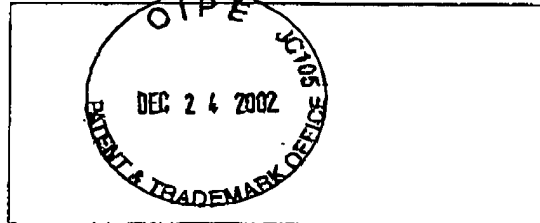
11(Amended). A grown-up transgenic plant which is obtained by (i) introducing a DNA sequence encoding a cytokine of a human or mammalian source into a plant protoplast, plant cell, plant tissue, calli, or a plant; (ii) growing or regenerating the transformed plant protoplast, plant cell,

DO NOT  
ENTER3/19/03  
GJX

APPLICATION/PATENT NO: 09/893,005  
 DOCKET NO: IREGAMI=2

CONF. NO.: 6398  
 CLIENT CODE: SUMA

THE PATENT AND TRADEMARK OFFICE STAMP  
 HEREON ACKNOWLEDGES RECEIPT OF THE  
 FOLLOWING PAPERS:



- ☐ FEES \$ \_\_\_\_\_
- ☐ PTO FORM 2038 ☐ (CH. # \_\_\_\_\_)
- ☐ EXTENSION OF TIME (\_\_\_\_\_ MONTHS)
- ☐ TRANSMITTAL LETTER
- ☐ MISSING PARTS RESPONSE WITH DECL
- ☒ AMENDMENT RESPONSE (circle one) *After Final*
- ☐ PRELIMINARY ☐ SUPPLEMENTAL
- ☐ APPLICATION DATA SHEET
- ☐ RESTRICTION/ELECTION REPLY
- ☐ SEQUENCE LISTING ☐ WITH DISK
- ☐ RCE / CPA TRANSMITTAL (circle one)
- ☐ NOTICE OF APPEAL
- ☐ APPEAL BRIEF (TRIPPLICATE)
- ☐ REPLY BRIEF (TRIPPLICATE)
- ☐ OTHER \_\_\_\_\_
- ☐ ASSIGNMENT
- ☐ INFORMATION DISCLOSURE STATEMENT
- ☐ FORM SB08A & \_\_\_\_\_ PATENTS/PUBS
- ☐ PRIORITY DOCUMENT(S) NO. \_\_\_\_\_
- ☐ DECLARATION UNDER § \_\_\_\_\_
- ☐ LETTER TO DRAFTSMAN
- ☐ \_\_\_\_\_ SHEETS OF DRAWINGS
- ☐ ISSUE FEE TRANSMITTAL FORM
- ☐ MAINTENANCE FEE LETTER

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Hakuo Ikegami et al.

Art Unit: 1638

Application No.: 09/893,005

Conf. No. 6398

Examiner: G. HELMER

Filed: June 28, 2001

Washington, D.C.

For: TRANSGENIC PLANTS

Atty.'s Docket: IKEGAMI#2

Date: December 24, 2002

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is a [XX] Amendment After Final Rejection [ ] \_\_\_\_\_

in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[X] No additional fee is required.

[ ] The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 11	MINUS	** 20	0
INDEP.	* 1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

## SMALL ENTITY

	RATE	ADDITIONAL FEE
x	9	\$
x	42	\$
+	140	\$
ADDITIONAL FEE TOTAL		\$

OR

## OTHER THAN SMALL ENTITY

	RATE	ADDITIONAL FEE
x	18	\$
x	84	\$
+	280	\$
TOTAL		\$

OR

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

[ ] First - \$ 55.00  
 [ ] Second - \$ 200.00  
 [ ] Third - \$ 460.00  
 [ ] Fourth - \$ 720.00

## Month After Time Period Set

## Other Than Small Entity

## Response Filed Within

[ ] First - \$ 110.00  
 [ ] Second - \$ 400.00  
 [ ] Third - \$ 920.00  
 [ ] Fourth - \$ 1440.00

## Month After Time Period Set

[ ] Less fees (\$ \_\_\_\_\_) already paid for \_\_\_\_\_ month(s) extension of time on \_\_\_\_\_.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_.

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ \_\_\_\_\_.

[ ] A check in the amount of \$ \_\_\_\_\_ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Group Art Unit: 1638  
Hakuo IKEGAMI et al ) Examiner: G. HELMER  
Appln. No.: 09/893,005 )  
Confirmation No. 6398 ) Washington, D.C. **OFFICIAL**  
Date Filed: June 28, 2001 ) February 24, 2003  
For: TRANSGENIC PLANTS ) ATTY.'S DOCKET: IKEGAMI=2  
 ) **BY FACSIMILE**

COMMUNICATION**FAX RECEIVED**

Honorable Commissioner for Patents  
Washington, D.C. 20231

FEB 25 2003

Sir:

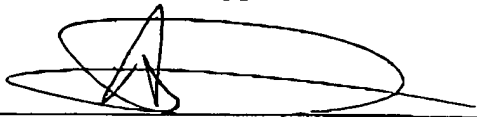
**GROUP 1600**

This will certify that the copy of the Amendment After Final Rejection of December 24, 2002, re-filed by fax herewith is a duplicate copy of the Amendment After Final Rejection originally filed on December 24, 2002. A copy of the USPTO date-stamped postcard receipt is also faxed herewith.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
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